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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,907

01/17/2006

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EXAMINER

HUSSAIN, IMAD

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,907	<b>Applicant(s)</b> FRANZ ET AL.	
	<b>Examiner</b> IMAD HUSSAIN	<b>Art Unit</b> 4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-50 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/17/06 &amp; 4/21/06</u>                                     | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. New claims 26-50 are pending in application 10/564,907.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP04/51510 , filed on 18 July 2003.

#### ***Claim Objections***

3. Claim 26 is objected to because of the following informality: "...device **that** changed..." should read "...device **to which** changed...". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 26-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are drawn to an "arrangement", which is not a process, machine, manufacture, or composition of matter as required by 35 U.S.C. 101.

In light of the specifications and the preferred embodiment (Page 3, Paragraph 0010), applicant appears to be claiming a system of at least two independent and distinct machines (a provision device and a supply device). Such a system of multiple machines is also non-statutory subject matter as it does not fall into the aforementioned categories of patentable subject matter. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 26, 29, 32, 34-41, 44 and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjornberg et al. (US 6,389,126, hereinafter Bjornberg and incorporated reference US 6,427,002, hereinafter Campbell).

Regarding claim 26, Bjornberg discloses an *arrangement for a service provider triggerable provision of components for an information output or interactive dialog that is generated by an information output system or an interactive system* [Bjornberg: Abstract, “provisioning a network of advanced interactive voice response (IVR) service platforms”], *comprising*:

*-a supply device ["provisioning system"] accessible by the service providers for changed or new components of information outputs or interactive dialogs [Bjornberg: Column 5 Lines 29-31];*

*-and at least one provision device ["NGSN" (Next Generation Service Node)] to which changed or new components of information outputs or interactive dialogs are transmitted by the supply device [Bjornberg: Column 5 Lines 29-31].*

Regarding claim 29, Bjornberg teaches that a *configuration system* ["Service Creation Environment (SCE)", User Interface (204)] *is provided for generating and changing components that is assigned to a service provider ["IVR customer"]* [Bjornberg: Column 5 Lines 26-29 and Column 6 Lines 31-35] *and from which new or changed components are transmitted to the supply device* [Bjornberg: Column 5 Lines 29-31].

Regarding claim 32, Bjornberg teaches that a *configuration system* ["Service Creation Environment (SCE)", SCE Interface (512)] *is provided for generating and changing components and is assigned to the operator ["IVR Service Provider"] of the arrangement* [Bjornberg: Column 6 Lines 22-26 and 34-36 (operator specific files and content manager functions are accessible only via this interface, therefor such a device must be assigned to the operator)] *and from which new or changed components are transmitted to the supply device* [Bjornberg: Column 5 Lines 29-31].

Art Unit: 4117

Regarding claim 34, Bjornberg teaches that *at least one information output device* [Campbell: Column 4 Lines 36-40, “voice ports”] *is provided and associated with the information output system or interactive system* [Campbell: Column 4 Lines 22-25, “first functional layer of NGSN”] *and accesses at least one provision device* [“NGSN”] *for information outputs or interactive dialogs.*

Regarding claim 35, Bjornberg teaches that *the supply device* [“provisioning system”] *is implemented on a hardware platform separate from the provision devices* [“NGSN”] [Bjornberg: Figure 2, wherein the devices communicate over a TCP/IP network].

Regarding claim 36, Bjornberg teaches that *a plurality of provision devices* [Bjornberg: Figure 2, wherein multiple NGSN nodes are shown] *of the information output system or interactive systems to which components are transmitted* [Bjornberg: Column 6 Lines 18-21 and Column 9 Lines 44-57] *by the supply device* [“provisioning system”] *are provided.*

Regarding claim 37, Bjornberg teaches that the supply device is implemented together with a provision device on a common hardware platform [Bjornberg: Column 13 Lines 20-26 states that all components can be implemented as software on a single platform].

Regarding claim 38, Bjornberg teaches that *the supply device* [“provisioning system”] *is duplicated* [Bjornberg: Column 5 Lines 15-17].

Regarding claim 39, Bjornberg teaches *a method for providing components for newly generated or changed information outputs or interactive dialogs by an arrangement* [Bjornberg: Abstract], *comprising:*

*-providing a supply device* [Bjornberg: Column 5 Lines 31-37, “provisioning system”];

*-providing at least one provision device* [Bjornberg: Column 5 Lines 31-37, “NGSN”];

*-and transmitting a new or changed component of an information output or interactive dialog to the supply device that is automatically transmitted by the supply device to at least one provision device of the arrangement* [Bjornberg: Column 5 Lines 29-31].

Regarding claim 40, Bjornberg teaches that *information in the supply device is specifiable by a service provider thereby controlling the time of activation of a new or changed component for a service* [Bjornberg: Column 6 Lines 59-62 and Table 1; the time of activation is when the service provider chooses to activate the component].

Regarding claim 41, the claim comprises substantially the same limitations as claims 39 and 29. The same rationale for rejection is applicable.

Regarding claim 44, the claim comprises substantially the same limitations as claims 39 and 32. The same rationale for rejection is applicable.

Regarding claim 49, Bjornberg teaches that *a plurality of components are constituted by coded or to be encoded elements of an information output or formation rules for information outputs or interactive dialogs* [Campbell: Figure 4 and Column 6 Lines 2-8].

Regarding claim 50, Bjornberg teaches that *the information output relates to an output of voice information, video information or audio information* [Bjornberg: Column 4 Lines 7-11].

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 27-28, 30-31 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Fuller et al. (US 2003/0055972 A1, hereinafter Fuller).

Regarding claim 27, Bjornberg teaches that *the supply device comprises a storage area for components assigned to the service providers and a storage area for components assigned to the operator of the information output system or interactive system*

Bjornberg does not explicitly disclose that *the service providers have no access to components assigned to the operator of the information output system or interactive system*.

However, Fuller teaches that “each customer has access only to the logical storage areas associated with the customer and cannot access the logical storage area of any other customer” [Fuller: Abstract].

Bjornberg and Fuller are analogous art in the same field of endeavor as both deal with networked accessible shared storage devices.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the storage assignment scheme of Fuller for access control in the system of Bjornberg. One of ordinary skill in the art would have been motivated to modify the system of Bjornberg with the storage assignment scheme of Fuller because in doing so, the system would allow for maintaining information security while cutting costs by sharing physical resources [Fuller: Paragraph 0008].

Regarding claim 28, Bjornberg-Fuller teaches that *the service providers are authenticated* [Fuller: Paragraph 0032] *and, on the supply device, only have access to components or storage areas assigned to the relevant authorized service provider* [Fuller: Abstract].

Regarding claim 30, Bjornberg-Fuller teaches that *a firewall is disposed between the supply device* [“network operations center”] *and the configuration systems* [“POD”] *and is assigned to the service providers or a computer platform used by a service provider* [“customer”] *to access the supply device* [Fuller: Figure 6 and Paragraph 0051].

Regarding claim 31, Bjornberg-Fuller teaches that *an access authorization is created for the transmission of components by service providers to the supply device* [Fuller: Paragraph 0043, “port controller 255 may perform authentication and authorization [and] enables an associated port of a customer during a data transfer...”, and Paragraph 0063].

Regarding claim 42, the claim comprises substantially the same limitations as claim 39 as discussed above and claim 28. The same rationale for rejection is applicable.

Regarding claim 43, Bjornberg-Fuller teaches that *components changed or newly generated by a service provider are stored in a storage area of the supply device* [Bjornberg: Column 6 Lines 28-31] *assigned to the service provider* [Fuller: Abstract].

10. Claims 33 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Tegan et al. (US 6,831,966, hereinafter Tegan).

Regarding claim 33, Bjornberg does not explicitly disclose that a charging server is provided to which charging information is transmitted by the supply device.

However, Tegan teaches a method for charging users based on information transmitted by a supply device [Tegan: Column 4 Lines 5-8].

Bjornberg and Tegan are analogous art in the same field of endeavor as both deal with the provisioning of IVR systems and using functions thereof.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the charging scheme of Tegan for charging service providers based on usage in the system of Bjornberg. One of ordinary skill in the art would have been motivated to modify the system of Bjornberg with the charging scheme of Tegan because in doing so, the system would allow for generating income to cover the expenses of running a IVR system [Tegan: Column 3 Lines 57-61 and Column 4 Lines 5-8].

Regarding claim 45, Bjornberg-Tegan teaches that *the modification or creation of a component by a service provider* [Bjornberg: Column 5 Lines 26-29 and Table 1] *is charged* [Tegan: Column 4 Lines 5-8].

Regarding claim 46, the claim comprises substantially the same limitations as claim 39 as discussed above and claim 33. The same rationale for rejection is applicable.

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Regarding claim 47, the claim comprises substantially the same limitations as claim 34 as discussed above and claim 46. The same rationale for rejection is applicable.

Regarding claim 48, Bjornberg-Tegan teaches that *the information output device composes an information output or an output forming part of an interactive dialog from or by means of components* [Campbell: Figure 4 and Column 6 Lines 2-8].

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***Cited Pertinent Prior art***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kommer, Robert Van. US 20010055370 A1 *Voice portal hosting system and method*

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-3628. The examiner can normally be reached on Monday through Thursday from 0730 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4117

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IH/  
Imad Hussain  
Examiner

/Prieto, Beatriz/  
Supervisory Patent Examiner, Art Unit 4117